

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-against-

JOVAL PALMER,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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1:20-cr-379-MKV

**ORDER DENYING MOTION FOR
SENTENCE REDUCTION**

MARY KAY VYSKOCIL, United States District Judge:

On August 31, 2021, the Defendant was sentenced principally to a term of imprisonment of 96 months. [ECF No. 92].

On November 28, 2023, the Defendant filed a letter requesting information as to whether he is eligible for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023 and applies retroactively. [ECF No. 101]. The Court construes the Defendant's letter as a motion for a sentence reduction pursuant to Amendment 821. The United States Probation Office has indicated that the Defendant is not eligible for a sentence reduction.

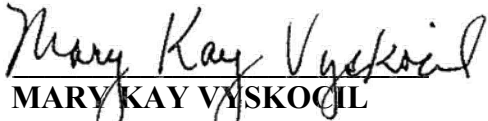
The Court has considered the record in this case and the submissions on this motion. IT IS HEREBY ORDERED that the Defendant is ineligible for a sentence reduction pursuant to Amendment 821. Part A of Amendment 821, which amends Guidelines § 4A1.1, is inapplicable because the Defendant did not commit the offenses for which he is presently serving sentence while under any prior criminal justice sentence, and, as a result, there was no upward adjustment in the calculation of the Defendant's offense level. Part B of Amendment 821, which amends Guidelines § 4C1.1, is inapplicable because that Part applies only to offenders with zero criminal

history points who meet specified eligibility criteria. The Defendant had three criminal history points at the time of sentencing.

Accordingly, the Defendant's motion for a sentence reduction pursuant to Amendment 821 is DENIED.

SO ORDERED.

Dated: April 5, 2024
New York, NY


MARY KAY VYSKOCIL
United States District Judge